

Supreme Court, U. S.

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MICHAEL RODAK, JR., CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1975

No. 75-817

NEBRASKA PRESS ASSOCIATION, et al.,
Petitioners,

v.

THE HONORABLE HUGH STUART, JUDGE
District Court of Lincoln County, Nebraska, et al.
Respondents.

ON WRIT OF CERTIORARI TO THE SUPREME
COURT OF THE STATE OF NEBRASKA

**BRIEF OF
THE NATIONAL PRESS CLUB
AS AMICUS CURIAE**

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TABLE OF CONTENTS

	<u>Page</u>
OPINIONS BELOW	2
JURISDICTION	2
ARGUMENT	3
INTEREST OF THE AMICUS	3

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Opinions Below

The opinions of the County Court of Lincoln County, Nebraska, dated October 22, 1975, and the District Court of Lincoln County, Nebraska, dated October 27, 1975, are set forth at Cert. App. 1a and 9a. The per curiam statement of the Nebraska Supreme Court, issued on November 10, 1975, is set forth at Cert. App. 19a. The opinion of Mr. Justice Blackmun, dated November 13, 1975, is set forth at Cert. App. 21a. The Order of the Nebraska Supreme Court for Hearing and Order to Show Cause entered on November 18, 1975, is set forth at Cert. App. 29a. The opinion of Mr. Justice Blackmun, dated November 20, 1975, is set forth at Cert. App. 35a. The majority concurring and dissenting opinions of the Nebraska Supreme Court dated December 1, 1975, are set forth at Cert. App. 44a and are reported at 63 Neb. S.C.J. 782, ___ N.W.2d ___. The Orders of this Court, dated December 8, 1975, and December 12, 1975, inter alia, granting the motion for petitioners to treat papers previously filed by them with this Court as a Petition for a Writ of Certiorari to the Supreme Court of Nebraska and granting said Petition are set forth at Cert. App. 70a and 71a. Except as indicated above, none of said opinions is thus far reported.

Jurisdiction

The decision of the Supreme Court of Nebraska was issued on December 1, 1975. Certiorari was granted on December 12, 1975. This Court has jurisdiction pursuant to 28 U.S.C. § 1257(3).

Consent

This brief is filed with the consent of the parties.

Argument

This brief, on behalf of the National Press Club, amicus curiae, adopts the arguments set forth in the brief amicus curiae of The Reporters Committee for Freedom of the Press, Legal Defense and Research Fund, to wit:

"I. It is a violation of the First and Fourteenth Amendments to the United States Constitution for an injunction to issue prohibiting publication by the press of information obtained from public court proceedings, from public court records, and from other sources about pending judicial proceedings involving an adult.

II. The free press protections of the First Amendment and the public trial protections of the Sixth Amendment guarantee public access to and publication of information about all critical stages of the pretrial criminal justice process; and this issue should not be decided by this court because it was neither briefed nor argued in the Nebraska courts below."

Interest of the Amicus

As the largest press club in the United States, with members in forty-nine states and the District of Columbia, this amicus believes that the decision in this case poses a direct immediate

and irreparable injury to the public's right to know about the operation of the criminal justice system and therefore urges this Court to reverse the order of the Supreme Court of Nebraska.

Respectfully submitted,

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